


MEMORANDUM
COUNTY OF LOUDOUN

DATE: December 14, 2005

TO: Department and Agency Heads 

FROM: Kirby M. Bowers, County Administrator

SUBJ: Action Report of the Recessed December 6, 2005 Board of Supervisors Meeting, Reconvened on December 10, 2005

Listed below is a summary report of the Board's action taken at its reconvened meeting. On items requiring follow-up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

- #6. CPAM 2005-0005, DOAM 2005-0003, ZOAM 2005-0002 / INITIATION OF RURAL ZONING DISTRICTS ORDINANCE AND MAP AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN AND LAND SUBDIVISION AND DEVELOPMENT ORDINANCE
Chairman York reconvened the December 6, 2005 recessed Board of Supervisors business meeting.

- A. Mr. Staton addressed the Items contained on the list of issues that he had provided to Board members.

1. Rural Economy Lot – 15 acre minimum lot size
The proposed draft calls for a minimum lot size of 15 acres

Supervisor Staton made a motion to adopt Option A, No minimum lot size. Seconded by Supervisor Snow. The motion FAILED 3-6 (Staton, Delgaudio, Snow –yes).

Supervisor Waters made a motion to amend the definition of “rural economy lot” on page A-298 of Item #6, so that a rural economy lot could be created within either a by-right cluster or rural residential districts. Seconded by Chairman York. The Board voted unanimously to accept the amendment.

Supervisor Snow requested that staff provide an overview of the Land Use Assessment program and discussion of the criteria to qualify for the

program. The overview is to be presented at a future Finance/Government Services or Transportation/Land Use Committee.

2. Rural Economy Lots in the Rural Residential Zoning Districts

The proposed draft calls for limiting uses on the rural economy lots in the rural residential zoning districts.

Supervisor Staton made a motion to adopt Option A, Do not limit uses on the rural economy lots in RR districts. Supervisor Kurtz seconded the motion. The motion FAILED 3-6 (Staton, Delgaudio, Snow-yes)

It was clarified that in the failed motions of Numbers 1 and 2, the draft language is supported, along with Supervisor Waters' amendment in No. 1 regarding Rural Economy Lot.

3. Minor Rezoning

The proposed draft identifies a minor rezoning process. At this point this item was raised for Board discussion only, and no action was taken on this issue.

4. Rural Zoning Districts – Accessory Dwelling

There is a provision in the proposed draft that addresses dwellings.

Chairman York made a motion to adopt Option D, Support the draft language. The Motion FAILED for lack of a second.

Following discussion of ZORC's recommendation that would give the Board the ability to limit accessory dwellings if it wishes, Supervisor Clem made a motion to adopt Option D regarding support of the draft language. Seconded by Supervisor Waters.

Supervisor Kurtz asked to adopt ZORC's recommended language for the proposed amendments that would give the Board the ability to limit an accessory dwelling to one guest house. Supervisors Clem and Waters accepted the amendment.

The Board voted 8-1 (Staton-no) to adopt Option D to support the draft language to include ZORC's proposed language.

5. Limestone Overlay District

The July 21, 2005 Option #1 did not give direction on the Limestone Overlay District. Supervisor Staton had requested a discussion as to whether this should be pursued at this time.

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Chairman York offered a motion to adopt Option A, Address the Limestone Overlay District as a separate Zoning Ordinance amendment and remapping process, with a stipulation that the review process will not begin until the Rural Policy Area Rezoning process has been completed. Supervisor Waters requested an amendment that when the discussion begins, the Board forward the issue to the Transportation/Land Use Committee. Chairman York accepted the amendment. The Board voted unanimously to adopt Option A.

Mr. Burton raised a concern that the Limestone Overlay District would not be reviewed until the rural remapping process is completed. Mr. York stated that his motion intended that if the Board wants to pursue this issue, the review would not interrupt the Rural Policy Area rezoning process.

6. Family Subdivision Provision

At the December 7 Committee of the Whole worksession the Board voted to maintain the option of a Family Subdivision. The Board had given direction to staff to bring the previously proposed Zoning Ordinance and LSDO amendment language to the December 10th Work session for discussion. Copies of these materials were provided to the Board.

Supervisor Staton made a motion to retain the existing family subdivision regulations in the LSDO to support the continued exemptions noted below in Items A and B. Seconded by Supervisor Snow. The Board voted unanimously to approve the motion.

- A. Does the Board wish to continue permitting family subdivision lots to be created without wells being drilled? The current Ordinance permits a note to be added to the plat, while the proposed amendments require the wells to be drilled prior to recordation of any lot.
- B. Does the Board wish to continue to permit family subdivision lots served by private access easements to be exempt from the requirements to submit constructions plans and to have such plans bonded prior to approval?

B. Board Comments and Other Actions:

- Supervisor Staton made a motion to include the permitted use of private schools in the AR-1 and AR-2 Districts. Seconded by Supervisor Delgaudio. Following discussion on the definition of "private school" and whether private schools are included in Article VIII, Definitions, in the Zoning Ordinance, the Board concurred with the Zoning Administrator's suggestion that the definition be amended to include that

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the use "encompasses either a private entity or funded by the government."

- Mr. Burton requested additional clarification and written confirmation from the County Attorney regarding issues associated with consolidating and subdividing multiple parcels under the various options contained in the draft text.
- Reconsideration of Vote/Open Space Easements
Chairman York made a motion to reconsider the vote taken on Item #6, Open Space Easements, at the December 7, 2005 reconvened business meeting. Mr. York stated that a means of open space easements should be provided. Instead of "open space easements," Mr. York requested that an option be included for the Board's public hearing for "rural economy conservation easements." Seconded by Supervisor Kurtz. The motion FAILED (York, Burton, Kurtz-yes).
- CPAM 2005-005/Amendments to the Rural Policies of the Loudoun County Comprehensive Plan/Draft Language
Mr. Burton presented language to correct an error in the draft Plan policies regarding base density thresholds. No action was taken as the draft language presented was consistent with earlier direction of Option #1.
- Conclusion of Committee of the Whole
Vice-Chair Tulloch made a motion to move out of the Committee of the Whole 7-1-1; Seconded by Supervisor Snow. (Degaudio-no; Clem-absent for the vote)
- Item #7 on the December 10 Agenda/Proposed Public Process/Draft Amendments to Implement Western Zoning Option #1
Supervisor Waters stated for the record that, since she was absent for the December 10 meeting, she would have preferred the concurrent advertising in the public process rather than the Traditional Approach approved by the Board.
- Supervisor Waters made a motion that the Board of Supervisors adopt the following Resolution referring the rural policy area amendments to the Planning Commission to include March 6, 2006 as the date for the Planning Commission to make its recommendation to the Board. Seconded by Supervisor Burton.

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WHEREAS, on November 17, 2005, the Board of Supervisors adopted a Resolution stating its intention to revise the AR-1 and AR-2 zoning districts, to remap those districts, to adopt new optional RR-1 and RR-2 zoning districts, and to adopt other zoning ordinance amendments, subdivision ordinance amendments, and comprehensive plan amendments; and

WHEREAS, these ordinance amendments are intended to restore and replace the portions of the AR-1 and AR-2 zoning districts stricken as a result of the litigation challenging the January 6, 2003, adoption of a new, comprehensive zoning map for Loudoun County, with such revisions as deemed appropriate; and

WHEREAS, the Board of Supervisors has reviewed these amendments as drafted by its staff and its Zoning Ordinance Review Committee, along with recommendations by the Rural Economic Development Commission and the Loudoun Convention & Visitors Association, in worksessions conducted on December 1, December 6, December 7 and December 10, 2005; and

WHEREAS, the Board wishes to refer the amendments and remapping to the Planning Commission and establish a schedule for consideration and adoption; now, therefore,

BE IT RESOLVED, that the Board of Supervisors:

1. Reaffirms its intent to amend the Loudoun County Zoning Ordinance and Map as stated in its November 17, 2005 Resolution, which is incorporated by reference.
2. Directs the staff to revise the draft amendments as identified at the Board's worksessions on December 6 and December 10, 2005, along with such other editorial and conforming changes as appropriate.
3. Refers these amendments, as revised, and the mapping of the AR-1 and AR-2 districts as described in the November 17, 2005 Resolution, to the Planning Commission for notice and hearing;
4. Directs the Planning Commission to conduct its public hearing in accordance with the state law and local ordinance and to make its recommendation on the amendments and mapping of the districts to the Board of Supervisors by March 6, 2006; and
5. Includes as part of this action the amendments to the Facilities Standards Manual presented by the staff, subject to the same direction; and

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6. Restates that the initiation and referral of these amendments is for the purpose of promoting the public necessity, convenience and general welfare, and good zoning practice; furthers the purposes of zoning as set forth in Va. Code § 15.2-2283; will implement the comprehensive plan; and will restore the comprehensive zoning map for the County.

Supervisor Staton moved to amend the motion to direct staff to include in the notification letter a form giving landowners the opportunity to opt out and retain their existing zoning. Seconded by Supervisor Snow. Mr. Staton's motion FAILED 3-5-1 (Staton, Delgaudio, Snow=yes; Clem absent for the vote).

The motion to adopt the Resolution passed 5-3-1 (Staton, Delgaudio, Snow=no; Clem absent for the vote).

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